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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,453	10/07/2003	Randal A. Stevens	34597.1	4505
32300	7590	09/28/2006	EXAMINER	
BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402		ART UNIT		PAPER NUMBER

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/680,453	STEVENS ET AL.
	Examiner Marianne L. Padgett	Art Unit 1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 11 September 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire **corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

U.S. Patent and Trademark Office

MARIANNE PADGETT  
PRIMARY EXAMINER

Part of Paper No. 20060924

**Continuation of 4(e) Other:**

Applicant has in formally inserted and changed letters, such as "(b)", labeling various steps in their independent claims 1, 6 & 10, i.e. use neither double brackets for their deletions, nor underlining to add them.

It is noted that this creates a further complication where references to a particular step was not updated for the informally changed label, which while not a matter of noncompliance with amendment practice, may create new matter problems & is probably not what was intended by applicant. Particularly see reference to step (c) in what is now labeled as "(e)" in claim 1, or steps (d) in claims 4, 5 or 6(f). Further proofreading for correct or updated use of these labels is recommended.

It is further noted that at the new end of claim 1, applicants both delete & adds a ".", which may also be considered noncompliant.

Also, while the double strike through is considerably more visible than the single strike through, the formal requirement for single deletions or deletions of sequences of 5 or less words, is now the use of double brackets, [[ ]], such as applicants employed in claims 8-9 & 11-12, but not in other instances where it was called for, such as at the end of claim 1, where it might have avoided the problem with the period.

A handwritten signature consisting of stylized initials and a surname, appearing to read "MJP".